



General Assembly

January Session, 2007

**Committee Bill No. 838**

LCO No. 6324

\*06324SB00838JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT REQUIRING DNA TESTING OF CERTAIN ARRESTED PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any person who is arrested on or after the effective date of this  
4 section for the commission of a class A or B felony shall, prior to  
5 release from custody and at such time as the law enforcement agency  
6 that arrested such person may specify, submit to the taking of a blood  
7 or other biological sample for DNA (deoxyribonucleic acid) analysis to  
8 determine identification characteristics specific to the person.

9 [(a)] (b) Any person who has been convicted of a criminal offense  
10 against a victim who is a minor, a nonviolent sexual offense or a  
11 sexually violent offense, as those terms are defined in section 54-250, or  
12 a felony, and has been sentenced on that conviction to the custody of  
13 the Commissioner of Correction, and who has not submitted to the  
14 taking of a blood or other biological sample pursuant to subsection (a)  
15 of this section with respect to such offense, shall, prior to release from

16 custody and at such time as the commissioner may specify, submit to  
17 the taking of a blood or other biological sample for DNA  
18 (deoxyribonucleic acid) analysis to determine identification  
19 characteristics specific to the person. If any person required to submit  
20 to the taking of a blood or other biological sample pursuant to this  
21 subsection refuses to do so, the Commissioner of Correction or the  
22 commissioner's designee shall notify the Department of Public Safety  
23 within thirty days of such refusal for the initiation of criminal  
24 proceedings against such person.

25       ~~[(b)]~~ (c) Any person who is convicted of a criminal offense against a  
26 victim who is a minor, a nonviolent sexual offense or a sexually violent  
27 offense, as those terms are defined in section 54-250, or a felony and is  
28 not sentenced to a term of confinement, and who has not submitted to  
29 the taking of a blood or other biological sample pursuant to subsection  
30 (a) of this section with respect to such offense, shall, as a condition of  
31 such sentence and at such time as the sentencing court may specify,  
32 submit to the taking of a blood or other biological sample for DNA  
33 (deoxyribonucleic acid) analysis to determine identification  
34 characteristics specific to the person.

35       ~~[(c)]~~ (d) Any person who has been found not guilty by reason of  
36 mental disease or defect pursuant to section 53a-13 of a criminal  
37 offense against a victim who is a minor, a nonviolent sexual offense or  
38 a sexually violent offense, as those terms are defined in section 54-250,  
39 or a felony ~~[.]~~ and is in custody as a result of that finding, and who has  
40 not submitted to the taking of a blood or other biological sample  
41 pursuant to subsection (a) of this section with respect to such offense,  
42 shall, prior to discharge from custody in accordance with subsection  
43 (e) of section 17a-582, section 17a-588 or subsection (g) of section  
44 17a-593 and at such time as the Commissioner of Mental Health and  
45 Addiction Services or the Commissioner of Mental Retardation with  
46 whom such person has been placed may specify, submit to the taking  
47 of a blood or other biological sample for DNA (deoxyribonucleic acid)  
48 analysis to determine identification characteristics specific to the

49 person.

50 [(d)] (e) Any person who has been convicted of a criminal offense  
51 against a victim who is a minor, a nonviolent sexual offense or a  
52 sexually violent offense, as those terms are defined in section 54-250, or  
53 a felony, and is serving a period of probation or parole, and who has  
54 not submitted to the taking of a blood or other biological sample  
55 pursuant to subsection (a), (b), [or] (c) or (d) of this section, shall, prior  
56 to discharge from the custody of the Court Support Services Division  
57 or the Department of Correction and at such time as said division or  
58 department may specify, submit to the taking of a blood or other  
59 biological sample for DNA (deoxyribonucleic acid) analysis to  
60 determine identification characteristics specific to the person.

61 [(e)] (f) Any person who has been convicted or found not guilty by  
62 reason of mental disease or defect in any other state or jurisdiction of a  
63 felony or of any crime, the essential elements of which are  
64 substantially the same as a criminal offense against a victim who is a  
65 minor, a nonviolent sexual offense or a sexually violent offense, as  
66 those terms are defined in section 54-250, and is in the custody of the  
67 Commissioner of Correction, is under the supervision of the Judicial  
68 Department or the Board of Pardons and Paroles or is under the  
69 jurisdiction of the Psychiatric Security Review Board, and who has not  
70 submitted to the taking of a blood or other biological sample pursuant  
71 to subsection (a) of this section with respect to the offense that caused  
72 such person to be in such custody or under such supervision or  
73 jurisdiction, shall, prior to discharge from such custody, supervision  
74 or jurisdiction submit to the taking of a blood or other biological  
75 sample for DNA (deoxyribonucleic acid) analysis to determine  
76 identification characteristics specific to the person.

77 [(f)] (g) The analysis shall be performed by the Division of Scientific  
78 Services within the Department of Public Safety. The identification  
79 characteristics of the profile resulting from the DNA analysis shall be  
80 stored and maintained by the division in a DNA data bank and shall

81 be made available only as provided in section 54-102j.

82 ~~[(g)]~~ (h) Any person who refuses to submit to the taking of a blood  
83 or other biological sample pursuant to this section shall be guilty of a  
84 class A misdemeanor.

85 Sec. 2. Subsection (a) of section 54-102h of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective*  
87 *October 1, 2007*):

88 (a) (1) The collection of a blood or other biological sample from  
89 persons required to submit to the taking of such sample pursuant to  
90 subsection (a) of section 54-102g, as amended by this act, shall be the  
91 responsibility of the law enforcement agency that arrested such person  
92 and shall be taken at a time and place specified by that agency prior to  
93 such person's release from custody.

94 ~~[(a) (1)]~~ (2) The collection of a blood or other biological sample from  
95 persons required to submit to the taking of such sample pursuant to  
96 subsection ~~[(a)]~~ (b) of section 54-102g, as amended by this act, shall be  
97 the responsibility of the Department of Correction and shall be taken at  
98 a time and place specified by the Department of Correction.

99 ~~[(2)]~~ (3) The collection of a blood or other biological sample from  
100 persons required to submit to the taking of such sample pursuant to  
101 subsection ~~[(b)]~~ (c) of section 54-102g, as amended by this act, shall be  
102 the responsibility of the Department of Public Safety and shall be taken  
103 at a time and place specified by the sentencing court.

104 ~~[(3)]~~ (4) The collection of a blood or other biological sample from  
105 persons required to submit to the taking of such sample pursuant to  
106 subsection ~~[(c)]~~ (d) of section 54-102g, as amended by this act, shall be  
107 the responsibility of the Commissioner of Mental Health and  
108 Addiction Services or the Commissioner of Mental Retardation, as the  
109 case may be, and shall be taken at a time and place specified by said  
110 commissioner.

111     ~~[(4)]~~ (5) The collection of a blood or other biological sample from  
112 persons required to submit to the taking of such sample pursuant to  
113 subsection ~~[(d)]~~ (e) of section 54-102g, as amended by this act, shall be  
114 the responsibility of the Judicial Department if such person is serving a  
115 period of probation and of the Board of Pardons and Paroles if such  
116 person is serving a period of parole and shall be taken at a time and  
117 place specified by the Court Support Services Division or the Board of  
118 Pardons and Paroles, as the case may be.

119     ~~[(5)]~~ (6) The collection of a blood or other biological sample from  
120 persons required to submit to the taking of such sample pursuant to  
121 subsection ~~[(e)]~~ (f) of section 54-102g, as amended by this act, shall be  
122 the responsibility of the agency in whose custody or under whose  
123 supervision such person has been placed, and shall be taken at a time  
124 and place specified by such agency.

125     Sec. 3. Section 54-102l of the general statutes is repealed and the  
126 following is substituted in lieu thereof (*Effective October 1, 2007*):

127     (a) A person whose DNA profile has been included in the data bank  
128 pursuant to sections 54-102g to 54-102k, inclusive, as amended by this  
129 act, may request expungement on the grounds that (1) the criminal  
130 conviction or finding of not guilty by reason of mental disease or  
131 defect on which the authority for including [his] the person's DNA  
132 profile was based has been reversed and the case dismissed, or (2) if  
133 the DNA profile of the person has been included in the data bank on  
134 account of the person being arrested as provided in subsection (a) of  
135 section 54-102g, as amended by this act, the charge has been dismissed  
136 or nolle or the person has been acquitted of the charge.

137     (b) The State Police Forensic Science Laboratory shall purge all  
138 records and identifiable information in the data bank pertaining to the  
139 person and destroy all samples from the person upon receipt of (1) a  
140 written request for expungement pursuant to this section, and (2) a  
141 certified copy of (A) the court order reversing and dismissing the  
142 conviction or the finding of not guilty by reason of mental disease or

143 defect, or (B) the court order dismissing or nolling the charge or  
144 acquitting the person of the charge.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	54-102g
Sec. 2	<i>October 1, 2007</i>	54-102h(a)
Sec. 3	<i>October 1, 2007</i>	54-102l

***Statement of Purpose:***

To improve the accurate identification of serious criminal perpetrators by requiring a DNA sample be taken from persons arrested for a class A or B felony.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. MEYER, 12th Dist.; REP. MIKUTEL, 45th Dist.

S.B. 838

H.B. 6293